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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/881,258 | 06/14/2001 | Abir Mullick | 554.RESP:103aUS_ | 6643 |
| 24041 | 7590 | 11/17/2003 | EXAMINER | |
| SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406 | | | HUYNH, KHOA D | |
| | | ART UNIT | PAPER NUMBER | 3751 |
| DATE MAILED: 11/17/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/881,258 | MULLICK ET AL. |
| | Examiner | Art Unit |
| | Khoa D. Huynh | 3751 |

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 November 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) 5-28 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2 and 3 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the use of two support brackets (94) and of two support rails (20, 24), does not reasonably provide enablement for the use of one support bracket (as recited in claim 2) and of one support rail (as recited in claim 3).

The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. In other word, applicant fails to disclose how the movable sink could be moved vertically using one support bracket (claim 2 calls for at least one support bracket) and horizontally using one support rail (claim 3 calls for at least one support rail). Such lack of detailed supports in the instant disclosure is an indication that the scope of the claims is not commensurate with the scope of the enabling disclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, as presently understood and given a broadest reasonable interpretations, are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurer et al. (3530513).

Regarding claim 1, the Maurer et al. reference discloses a movable wall mounted dental unit or sink fixture (about 4, 38 & 36 in Fig. 1). The fixture includes a bowl or sink (at 4), means for moving the sink vertically (at 36) with respect to the wall, and means for moving the sink fixture horizontally (about 22 & 23) with respect to the wall. The horizontal moving means is operatively arranged to maintain "a constant distance between the sink and the wall" {note: the sink (4) is capable of being held steady at a certain high or location, as schematically shown in Figure 1, while element 38 is in a sling motion (to the left or right)}. The Maurer et al. sink fixture also includes a "locking" feature which creates friction and keeps the fixture at the desired position (col. 3, lines 62-75; col. 4, lines 1-12).

Regarding claim 2, the means for moving the sink vertically further includes a support bracket (at 36) and a fixture base (at 38).

Regarding claim 3, the means for moving the sink horizontally further includes a pair of support rails (at 22 & 23) and a fixture base (at 38).

Regarding claim 4, the means for locking the sink at a desired location comprises a securing bolt assembly (col. 4, lines 1-12).

Response to Amendment

5. Applicant's amendment to claim 1, filed on 11/03/2003, is not sufficient to overcome the prior art rejection as stated above.

Response to Arguments

6. Applicant's arguments with respect to the pending claims 1-4 have been fully considered but are deemed not persuasive.

The crux of applicant's arguments is that Maurer et al. does not teach or disclose "means for moving the sink fixture horizontally with respect to the wall and maintaining a constant distant between the sink and the wall". See Remarks section. The examiner respectfully disagrees.

The Maurer et al. reference teaches a movable sink fixture having "means for moving the sink fixture horizontally with respect to the wall." The means for moving the sink fixture horizontally includes a pair of support bars (22 & 23). The sink (4) is located on a fixture base (38) which carriers the sink fixture and moves in horizontally (sliding motion) directions on the pair of support bars (22 & 23). If so desired, the sink (4) is capable of being held steady at a certain high or location, as schematically shown in Figure 1, while the sink base (38) moves in a horizontally sling motion (to the left or right) to a .

Therefore, the Maurer et al. reference does implicitly teach a sink fixture having "the horizontal moving means operatively arranged to maintain a constant distance between the sink and the wall".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (703) 306-5483. The examiner can normally be reached on M-F (7:00-4:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

HK
11/10/2003

GREGORY L. HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

